



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)	Examiner: Unknown
D. Wu)	
)	Art Unit: 3739
Serial No.: 09/993,426)	
)	Confirmation: 6865
Filed: November 16, 2001)	
)	
For: MULTIPLE PREPARATORY)	
EXCITATIONS AND READOUTS)	
DISTRIBUTED OVER THE)	
CARDIAC CYCLE)	
)	
Attorney Docket No.:)	Cleveland, Ohio 44114
PKR 2 0715)	February 1, 2002

REQUEST FOR CORRECTED FILING RECEIPT

PETITION TO ACCORD THE FILING DATE SHOWN ON THE
EXPRESS MAIL LABEL "DATE-IN"

Commissioner For Patents
Customer Service Center
Initial Patent Examination Division
Washington, D.C. 20231

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Dear Sir:

The Applicant filed the above-referenced patent application using the standard express mail filing procedure on November 16, 2001. The transmittal letter, the initial information data sheet, and the first page of the patent application (Exhibit 1) were all clearly marked with the express mail label number and the November 16, 2001 deposit date. All of the certificates were appropriately signed.

This is confirmed by the express mail customer copy (Exhibit 2). The information in the section "Origin (Postal Use Only)" was all filled in by the acceptance clerk at the U.S. Post Office. This section also identifies the mailing date as November 16, 2001.

Although the express mailing labels and the certificate of mailings all clearly identified the mailing date of this patent application as November 16, 2001, the Patent Office Filing Receipt (Exhibit 3) which was mailed January 18, 2002 and received January 25, 2002 listed the filing date as November 26, 2001. It is submitted that the filing date on the Patent Office Filing Receipt is in error. In fact, the U.S. Postal Services delivery

confirmation (Exhibit 4) shows delivery to the Patent Office on November 23, 2001.

Because the error in the filing date is a result of the Patent Office mistake, it is submitted that no fee is due.

In the alternative, the Applicant's petition to have the above-identified patent application accorded the "Date-In" of November 16, 2001 shown on express mail label EL852685033US. It is contended that the date of November 26, 2001 accorded as the filing date of this application by the PTO is not correct.

This discrepancy was discovered upon reviewing the Filing Receipt which was received on January 25, 2002. This Petition is being filed promptly, within a few days, of the erroneous Filing Receipt.

A true copy (Exhibit 1) of the first page of the correspondence which was filed which shows both the date on which this correspondence was mailed as express mail label number EL852685033US and that the number of the express mail was placed thereon prior to mailing.

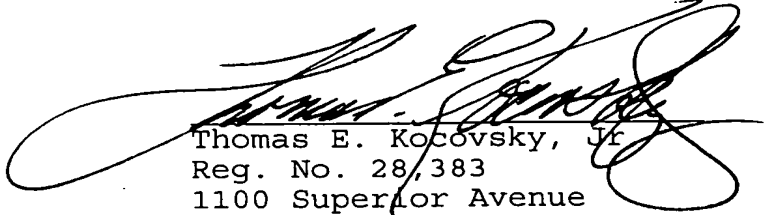
A true copy (Exhibit 2) of the express mail mailing label showing the "Date-In" of November 16, 2001 is attached.

Because the error in according the filing date was solely due to Patent Office error, it is submitted that no fee is due. If, it should be determined that the 37 C.F.R. 1.17(h) fee should be accessed against the Applicant for correcting this Patent Office error, that authorization is given to charge Deposit Account No. 06-0308. Please charge any additional fees which may be required by this paper and credit any overpayment to the Deposit Account No. identified above.

A duplicate copy of this paper is attached.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & MCKEE, LLP



Thomas E. Kocovsky, Jr.
Reg. No. 28,383
1100 Superior Avenue
Seventh Floor
Cleveland, OH 44114-2518
(216) 861-5582

CERTIFICATE OF MAILING

I hereby certify that this REQUEST FOR CORRECTED FILING RECEIPT / PETITION TO ACCORD THE FILING DATE SHOWN ON THE EXPRESS MAIL LABEL "DATE-IN" and NOTED EXHIBITS in connection with U.S. Patent Application . Serial No. 09/993,426 are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, Customer Service Center, Initial Patent Examination Division, Washington, D.C., 20231 on this 15th day of February, 2002.

By: Melary McNulty

FEB 19 2002

UTILITY PATENT APPLICATION TRANSMITTAL LETTER

The Assistant Commissioner
For Patents
Washington, D.C. 20231

Transmitted herewith for filing in the patent application of:

Dee H. WU

For: MULTIPLE PREPARATORY EXCITATIONS AND READOUTS DISTRIBUTED OVER THE CARDIAC CYCLE

Enclosed are:

- [XX] 32 pages of specification: 23 pages description; 8 pages claims; 1 page abstract.
- [XX] 18 sheets of drawing(s) including FIGURES 1-18C.
- [XX] A Declaration for Patent Application.
- [XX] An Assignment of the invention to PHILIPS MEDICAL SYSTEMS (CLEVELAND), INC.
- [XX] A Request & Certification Under 35 U.S.C. 122(b)(2)(B)(i).
- [XX] Utility Patent Application Initial Information Data Sheet.
- [XX] A Form PTO-1449 and __ references.

CLAIMS AS FILED				
FOR	NO. FILED	NO. EXTRA	RATE	FEE
TOTAL CLAIMS	24 - 20 =	4	[XX] \$18 LARGE [] \$ 9 SMALL	\$ 72.00
INDEPENDENT CLAIMS	3 - 3 =	-	[XX] \$84 LARGE [] \$42 SMALL	\$ 0.00
BASIC FEE	[XX] LARGE ENTITY \$740 [] SMALL ENTITY \$370			
TOTAL FILING FEE \$				812.00

☐ Please charge Deposit Account No. 06-0308 in the amount of \$ _____.
A duplicate copy of this sheet is enclosed.

☒ The Commissioner is hereby authorized to charge any additional fees which
may be required at any time during the prosecution of this application
without specific authorization, or credit any overpayment to Deposit Account
No. 06-0308. A duplicate copy of this sheet is enclosed.

☒ A check in the amount of \$ 812.00 to cover the filing fee is enclosed.

16 Nov 2001
Date

Thomas E. Kocovsky, Jr.
Attorney of Record

Thomas E. Kocovsky, Jr.
Reg. No. 28,383
FAY, SHARPE, FAGAN,
MINNICH & MCKEE, LLP
1100 Superior Avenue, Seventh Floor
Cleveland, Ohio 44114-2518
(216) 861-5582

"Express Mail" Mailing Label Number: EL852685033US

Date of Deposit: NOVEMBER 16, 2001

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date indicated above and is addressed to:
Assistant Commissioner for Patents Washington, D.C. 20231.

Hilary M. McNulty
By: Hilary M. McNULTY

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UTILITY PATENT APPLICATION INITIAL INFORMATION DATA SHEET

The Assistant Commissioner
For Patents
Washington, D.C. 20231

Inventor Information

Inventor One Given Name:: Dee H.
Family Name:: WU
Postal Address Line One:: 2931 Huntington Rd.
City:: Shaker Heights
State:: Ohio
Postal or Zip Code:: 44120

Correspondence Information

Name Line One:: Thomas E. Kocovsky, Jr.
Name Line Two:: FAY, SHARPE, FAGAN,
Name Line Three:: MINNICH & MCKEE, LLP
Address Line One:: 1100 Superior Avenue
Address Line Two:: Seventh Floor
City:: Cleveland
State or Province:: OH
Postal or Zip Code:: 44114-2518
Telephone One:: (216) 861-5582
Fax:: (216) 241-1666
Electronic Mail:: TKocovsky@faysharpe.com

Representative Information

Registration Number:: 28,383

Application Information

Title Line One:: MULTIPLE PREPARATORY EXCITATIONS
Title Line Two:: AND READOUTS DISTRIBUTED OVER THE
Title Line Three:: CARDIAC CYCLE
Total Drawing Sheets:: 18
Formal Drawings?: Yes
Application Type:: Utility
Docket Number:: PKR 2 0715

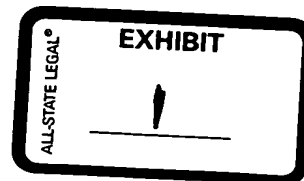
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Hilary McNulty
By: Hilary M. McNULTY



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 date indicated above and is addressed to:
 Assistant Commissioner for Patents Washington, D.C. 20231.

Hilary M. McNulty
 By: Hilary M. McNULTY



MULTIPLE PREPARATORY EXCITATIONS AND READOUTS DISTRIBUTED OVER THE CARDIAC CYCLE

Background of the Invention

The present invention relates to the medical imaging arts. It particularly relates to cardiac imaging using magnetic resonance imaging (MRI) techniques, and will be described with particular reference thereto. However, the invention will also find application in conjunction with other magnetic resonance-based imaging applications and other imaging applications in which a spatially or temporally selective preparatory excitation of the imaged subject is employed.

Magnetic resonance imaging (MRI) of the heart provides a powerful diagnostic and monitoring tool which is useful in treating coronary diseases and other heart ailments. MRI is non-invasive (except for contrast-enhanced MRI) and is capable of imaging quickly enough to monitor the cardiac cycle in real time. The combination of MRI with an electrocardiograph (ECG) that non-invasively monitors the cardiac cycle enables controlled medical imaging of selected phases of the cardiac cycle, e.g. the systolic or diastolic cardiac phases.

One application of cardiac MRI is measurement of the motion of the heart muscle. Forces, stresses, and strains on the heart during the cardiac cycle can be monitored by MRI. However, initially, the lack of spatial reference points made interpretation of MRI cardiac stress/strain images difficult.

The spatial modulation of magnetization (SPAMM) technique was developed to alleviate this difficulty. An



POST OFFICE TO ADDRESSEE



EL 852685033 US

N

ORIGIN (POSTAL USE ONLY)

PO ZIP Code 44115	Day of Delivery <input checked="" type="checkbox"/> Next <input type="checkbox"/> Second	Flat Rate Envelope <input type="checkbox"/>
Date In 11-15-01	<input checked="" type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Postage \$ 19.15
Time In 4:48 PM	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt Fee
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No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Accepted Clerk Initials [Signature]	Insurance Fee
Total Postage & Fees \$ 19.15		

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FAY SHARPE ET AL
1100 SUPERIOR AVE E FL 7
CLEVELAND OH 44114-2518

PKR 20715

TO: (PLEASE PRINT)

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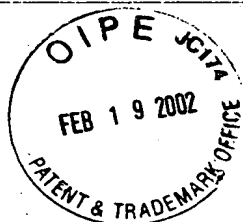
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WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/993,426	11/26/2001	3739	812	PKR 2 0715	18	24	3

Thomas E. Kocovsky, Jr.
FAY, SHARPE, FAGAN, MINNICH & McKEE, LLP
Seventh Floor
1100 Superior Avenue
Cleveland, OH 44114-2518

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CONFIRMATION NO. 6865

FILING RECEIPT

JAN 25 2002

FAY, SHARPE, BEALL, FAGAN,
MINNICH & McKEE

OC000000007328195

Date Mailed: 01/18/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

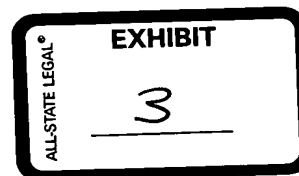
Dee H. Wu, Shaker Heights, OH;

Assignment For Published Patent Application

PHILIPS MEDICAL SYSTEMS (CLEVELAND), INC.;

Domestic Priority data as claimed by applicant

Foreign Applications



If Required, Foreign Filing License Granted 01/17/2002

Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: Yes

Early Publication Request: No

Title

Multiple preparatory excitations and readouts distributed over the cardiac cycle

Preliminary Class

600

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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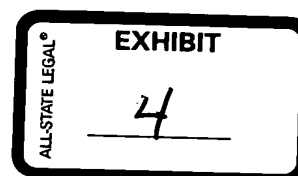




**UNITED STATES
POSTAL SERVICE™**

Date: 01/28/2002

Fax Transmission To: GARY CLIFFORD
Fax Number: 216-241-1666



Dear GARY CLIFFORD:

The following is in response to your 01/28/2002 request for delivery information on your Express Mail item number EL852685033US. The delivery record shows that this item was delivered on 11/23/2001 at 12:41 PM in WASHINGTON, DC 20231 to A TAITANO. The scanned image of the recipient information is provided below.

Signature of Recipient:

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